

Chapter 6

Withdrawal of Unappropriated Waters

73-6-1 Suspension of right to appropriate -- By proclamation of governor.

For the purpose of preserving the surplus and unappropriated waters of any stream or other source of water supply for use by irrigation districts and organized agricultural water users, or for any use whatsoever, when in the judgment of the governor and the state engineer the welfare of the state demands it, the governor by proclamation may, upon the recommendation of the state engineer, suspend the right of the public to appropriate such surplus or unappropriated waters.

No Change Since 1953

73-6-2 Restoration by proclamation -- Priority of applications.

- (1) Waters withdrawn from appropriation under this chapter may be restored by proclamation of the governor upon the recommendation of the state engineer.
- (2) Such proclamation shall not become effective until notice thereof has been published:
 - (a) at least once a week for three successive weeks in a newspaper of general circulation within the boundaries of the river system or water source within which the waters so to be restored are situated; and
 - (b) in accordance with Section 45-1-101 for three weeks.
- (3) Applications for appropriations shall not be filed during the time such waters are withdrawn from appropriation; provided, that after the first publication of notice aforesaid applications may be deposited with the state engineer and at the time such proclamation becomes effective the engineer shall hold public hearings, giving all applicants notice, to determine which applications so filed during the period of publication of such notice are most conducive to the public good, and shall file such applications in order of priority according to such determination.

Amended by Chapter 388, 2009 General Session